



## MEMORANDUM

**TO: CITY COUNCIL**

**FROM: WHITNEY MCDONALD, ACTING DEPUTY CITY MANAGER/  
COMMUNITY DEVELOPMENT DIRECTOR**

**BILL ROBESON, ACTING CITY MANAGER/PUBLIC WORKS  
DIRECTOR**

**SUBJECT: CONSIDERATION OF ADOPTION OF A RESOLUTION AUTHORIZING  
MODIFICATIONS TO THE TEMPORARY CLOSURE OF SHORT STREET  
SOUTH OF EAST BRANCH STREET AND NORTH OF OLOHAN ALLEY  
TO ACCOMMODATE ITS USE AS AN OUTDOOR EATING AREA  
DURING THE COVID-19 REOPENING PROCESS**

**DATE: JULY 28, 2020**

### **SUMMARY OF ACTION:**

Authorization of modifications to the previously authorized closure of Short Street south of East Branch Street and north of Olohan Alley for the purpose of allowing its use by adjacent restaurants for their dining patrons, in addition to its continued use as a common outdoor dining area during the COVID-19 reopening process.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

Staff time is necessary to evaluate the request for use of Short Street by restaurants to serve their patrons, including review of encroachment permit and minor use permit-temporary use permit applications. Application fees have been waived pursuant to City Council Resolution No. 5006. Statewide Transportation donated the necessary water walls used to close the street and staff time was necessary to obtain and install the water walls and safety signage.

### **RECOMMENDATION:**

It is recommended the City Council adopt a Resolution authorizing modifications to the temporary closure of Short Street south of East Branch Street and north of Olohan Alley to accommodate its use as an outdoor eating area during the COVID-19 reopening process.

### **BACKGROUND:**

Restaurants in the Village of Arroyo Grande (Village) have suffered significant decreases in business during the COVID-19 pandemic and the shelter-at-home orders issued by the State and the County of San Luis Obispo (County) in response to the pandemic. As the State and County began to allow restaurant operations to reopen, the City Council approved the closure of Short Street in the Village in order to provide an opportunity for

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patrons of nearby restaurants to enjoy their take-out meals at communal tables placed in in the closed street. The tables were supplied by nearby restaurants and are cleaned by those restaurants on a regular basis, as provided for in an encroachment permit/minor use permit-temporary use permit (Permit) application submitted on behalf of a number of Village restaurants.

Closure of Short Street was approved by Council at its June 23, 2020 meeting via Resolution No. 5006. The street was officially closed on June 26, 2020, and has remained closed since that time. Tables from a number of restaurants in the Village were placed in the closed street and have been cleaned and maintained by the Permit applicants.

On Monday, July 13, 2020, the State Public Health Officer ordered all restaurants in the state to close their indoor dining operations, allowing restaurants to remain open if they are able to serve customers outside. Following this new order, the City received an application from Rooster Creek Tavern to utilize a portion of Short Street solely for its own customers rather than as a communal dining area. This modification will help Rooster Creek to remain open to customers while also ensuring compliance with the new State order.

**ANALYSIS OF ISSUES:**

It is proposed that the authorization for temporary closure of Short Street be modified to allow its use by individual restaurants to serve their own customers. An application for this use has been received from Rooster Creek Tavern and City staff are working with Gina's Restaurant to determine whether a similar application will be forthcoming for their use of a portion of Short Street.

City staff generally support the requested modification to the Short Street closure. While the communal dining area has been used by the public and patrons of nearby businesses, it does not appear that usage has reached capacity, indicating that the space may be underutilized as a common dining area. Allowing Rooster Creek Tavern and Gina's Restaurant to use a portion of Short Street as their own outdoor dining area will ensure maximum use of the space and will support the ability of these businesses to remain open following new restrictions imposed by the State during the COVID-19 pandemic.

However, in light of the intent of the original closure to facilitate use of the street as a common outdoor dining area for all restaurants in the area, it is recommended that a portion of the Short Street space be reserved for communal dining use. Toward this end, Rooster Creek Tavern has agreed to maintain four tables within Short Street for use by the general public. These tables will be marked and signage will be displayed clearly showing that these tables are available for use by anyone and not just Rooster Creek Tavern or Gina's Restaurant patrons. These conditions are included in the proposed Resolution modifying the Short Street closure authorization and will be included in the

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encroachment permit/temporary use permits issued to Rooster Creek Tavern and Gina's Restaurant.

As originally proposed, Short Street will remain closed between East Branch Street and Olohan Alley until the COVID-19 limitations on restaurant operations are lifted by the State and County or until the Acting City Manager/Public Works Director and Acting Deputy City Manager/Community Development Director determine that closure is no longer appropriate for public health and safety reasons or due to lack of use or misuse.

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

1. Approve staff's recommendation;
2. Do not approve staff's recommendation;
3. Modify as appropriate and approve staff's recommendation; or
4. Provide direction to staff.

**ADVANTAGES:**

Approval of the modifications to the temporary closure will continue to support recovery efforts of restaurants in the Village while maintaining some tables as a common dining area for the general public.

**DISADVANTAGES:**

The proposed modifications to the approved closure of Short Street will limit the common dining areas available to the general public. Continued closure of Short Street will inconvenience vehicles looking to access Olohan Alley from Branch Street and vice versa.

**ENVIRONMENTAL REVIEW:**

This action is not subject to the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant impact on the environment, as stated in State CEQA Guidelines Section 15061(b)(3).

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. At the time of report publication, no comments have been received.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AUTHORIZING MODIFICATIONS TO THE TEMPORARY CLOSURE OF SHORT STREET SOUTH OF EAST BRANCH STREET AND NORTH OF OLOHAN ALLEY TO ACCOMMODATE ITS USE AS AN OUTDOOR EATING AREA DURING THE COVID-19 REOPENING PROCESS**

**WHEREAS**, California Vehicle Code Section 21101 (e) authorizes municipalities to close any street temporarily for celebrations or other local special events or other purposes when in the opinion of the local authorities having jurisdiction such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing and such closing must be adopted and provided for by resolution; and

**WHEREAS**, restaurants in the Village of Arroyo Grande have suffered during the shelter-at-home orders issued by the State and County of San Luis Obispo in response to the COVID-19 pandemic and are adapting to new restrictions and requirements, in part, by serving more patrons outdoors to the extent possible; and

**WHEREAS**, to help support local restaurants provide an opportunity for their patrons to obtain and eat meals outdoors while remaining in the Village, the City Council previously approved closure of Short Street for use as a common dining area via Resolution No. 5006, adopted on June 23, 2020; and

**WHEREAS**, effective July 13, 2020, the State Public Health Officer ordered all restaurants to close their indoor dining operations throughout the state and, in response, the City has received at least one application from a restaurant adjacent to Short Street to use a portion of the closed Short Street area as outdoor dining space for its patrons; and

**WHEREAS**, the City Council desires to modify its approval of the closure of Short Street to allow individual restaurants to use a portion of the closed area for their own customers, under the conditions identified herein.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Arroyo Grande as follows:

1. The temporary closure of Short Street south of East Branch Street and north of Olohan Alley previously approved by the City Council on June 23, 2020, via Resolution No. 5006, shall be modified to allow use of the closed area by individual restaurants as outdoor dining space so long as the individual restaurants maintain at least four tables total within the closure area for use by the general public as common dining space.

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2. Short Street shall remain temporarily closed until the COVID-19 limitations on restaurant operations are lifted by the State and County of San Luis Obispo or until the Acting City Manager/Public Works Director and Acting Deputy City Manager/Community Development Director determine that closure is no longer appropriate for public health and safety reasons or due to lack of use or misuse.
3. The City Clerk shall certify to the adoption of this Resolution and shall cause a certified copy to be filed in the Office of the City Clerk.

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and on the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Resolution was passed and adopted this 28<sup>th</sup> day of July, 2020.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**BILL ROBESON, ACTING CITY MANAGER**

**APPROVED AS TO FORM:**

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**TIMOTHY J. CARMEL, CITY ATTORNEY**